

Message Text

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ACTION NEA-10

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AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: PFOR, IS

SUBJECT: CABINET AND KNESSET TO RECONSIDER DEATH PENALTY FOR
TERRORISTS

SUMMARY: FOLLOWING THE ENTEBBE EPISODE, A NUMBER OF
MINISTERS AND KNESSET MEMBERS HAVE PROPOSED THAT THE
GOVERNMENT REVIEW ITS POLICY ON DEATH PENALTY FOR TERRORIST
KILLERS. MINISTERS REPORTEDLY ARE RELUCTANT TO HOLD A
FULL SCALE DEBATE ON THE SUBJECT UNDER THE IMMEDIATE IMPACT OF THE
ENTEBBE OPERATION, BUT IS EXPECTED THAT THE MATTER
WILL BE PLACED ON THE CABINET AGENDA WITHIN A FEW WEEKS.
END SUMMARY.

1. ISRAELI LAW PROVIDES FOR CAPITAL PUNISHMENT BUT IT

HAS BEEN GOVERNMENT POLICY NOT TO APPLY IT IN PRACTICE.

JUSTICE MINISTER ZADOK, REVIEWING THE GOVERNMENT'S

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POSITION IN JULY 6 KNESSET DEBATE, RECALLED THAT ON

OCTOBER 29, 1967, THE ESHKOL GOVERNMENT HAD INSTRUCTED PROSECUTORS TO WITHHOLD REQUESTS FOR EXECUTION OF

CONVICTED TERRORISTS. THE RABIN GOVERNMENT REAFFIRMED THIS POLICY ON AUGUST 4, 1974. (INDEED, AS FAR AS THIS EMBASSY KNOWS, THERE HAVE BEEN ONLY TWO CASES OF CAPITAL EXECUTIONS IN ISRAEL'S HISTORY--THE FIRST WAS AN ISRAELI CHARGED WITH TREASON DURING THE WAR OF INDEPENDENCE AND POSTHUMOUSLY FOUND TO HAVE BEEN INNOCENT AND THE SECOND WAS ADOLF EICHMAN IN 1962.)

2. PRIME MINISTER RABIN REFERRED BRIEFLY TO THE NEED FOR A POLICY REVIEW IN A JULY 5 MEETING OF THE LABOR ALIGNMENT EXECUTIVE. HE GAVE NO INDICATION, HOWEVER, AS TO HIS OWN VIEWS ON THE MATTER. DEFENSE MINISTER PERES IN A SPEECH ON JULY 6 SAID THAT HIS PERSONAL VIEW WAS THAT ISRAEL SHOULD REFRAIN FROM EXECUTING TERRORISTS EXCEPT FOR UNUSUAL CASES SUCH AS THAT OF THE JAPANESE TERRORIST KOZO OKAMOTO WHO PARTICIPATED IN THE 1972 LOD AIRPORT MASSACRE.

3. JUSTICE MINISTER HAIM ZADOK TOLD THE KNESSET THAT HE WAS NOT IMPOSED TO THE DEATH PENALTY FOR TERRORISTS "ON PRINCIPLE OR ON HUMANITARIAN GROUNDS..." HE ADDED THAT "AS THINGS STAND NOW, SHYING AWAY FROM THE DEATH PENALTY FOR TERRORISTS IS NOT A LAW BUT A MATTER OF GOVERNMENT POLICY. IT MAY BE ADVISABLE TO REVIEW THAT POLICY NOW, NOT IN THE HEAT OF EMOTION, BUT IN A DVBUBERATE MANNER... FOR ME, THE ONLY CONSIDERAT*, 8 , WILL IT (THE DEATH PENALTY) AID IN OUR FIGHT AGAINST TERRORISM?"

4. JERUSALEM POST CORRESPONDENTS WALLFISH AND LANDAU WRITE ON JULY 6 THAT THE CURRENT DEBATE IS A RESULT OF THE REALIZATION "THAT THE TERROR GROUP RESPONSIBLE FOR THE UGANDA HIJACK IS AN UNPRECEDENTEDLY SOPHISTICATED AS DETERMENED GANG OF INTERNATIONAL OUTLAWS--NOT ALL PALESTINIANS--WHO ARE LIKELY TO TRY SIMILAR ACTIONS AGAIN... THOSE WHO FAVOR A REVIEW OF THE DEATH PENALTY POLICY ARGUE THAT THE PRESENCE IN ISRAEL OF SUCH 'SPECTACULAR' LIMITED OFFICIAL USE

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KILLERS AS ILAMOTO SERVES AS A INNSTANT INCENTIVE AND INCITEMENT FOR FURTHER HIJACK ATTEMPTS...AT THE SAME TIME, HOWEVER, HUMANITARIAN AND MORAL CONSIDERATIONS WHICH HAVE GUIDED ISRAEL AWAY FROM EVER IMPLEMENTING THE DEATH PENALTY STILL POWERDELLY AFFECT POLICYMAKERS."

5. THE LIKUD EXECUTIVE JULY 5 UNANIMOUSLY VOTED IN

FAVOR OF APPLYING THE DEATH PENALTY FOR TERRORISTS AND
HAS DEMANDED AN URGENT KNESSET DEBATE ON THE SUBJECT.

6. COMMENT: PUBLIC DEBATE OVER THE MERITS OF THE
DEATH PENALTY FOR TERRORISTS INEVITABLY SURFACES IN
THE WAKE OF MAJOR TERRORISTS OPERATIONS. THE ISSUE
WAS VIGOROUSLY ARGUED AFTER DVE KIRYAT SHMONA AND MAALOT
MASSACURES IN THE SPRING OF 1974 WHICH INVOLVED THE
DEATH OF CHILDREN AND TEENAGERS. IN THE PRESENT INSTANCE,
THERE IS AGAIN A GROUNDSWELL OF SENTIMENT IN FAVOR OF
REVERSING GOVERNMENT POLICY. THE FINAL DECISION, HOWEVER,
WILL REST WITH RABIN WHO, ON THIS PARTICULAR
MATTER, IS LIKELY TO CONSULT CLOSELY WITH JUSTICE
MINISTER ZADOK.
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